

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3758 of 2006

(Shankar Domaji Sahare v. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Shri Samudra Singh, Advocate for Petitioner.

Coram : A.H. Joshi & R.C. Chavan, JJ.
Dated : 20th July, 2007

1. The order of the Maharashtra Administrative Tribunal, which granted relief to the petitioner of setting aside the order of compulsory retirement and other benefits, is under challenge.
2. The legal basis on which the order has been passed is that the order, which is impugned before the Maharashtra Administrative Tribunal, was passed under the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, which could not have been passed, since the Bombay Police (Punishment and Appeal) Rules applied to the petitioner.
3. We find that had the order, which is challenged before the Maharashtra Administrative Tribunal, been passed

under the Bombay Police (Punishment and Appeal) Rules, the petitioner could have received the major punishment, like the dismissal from service, since, even, according to the petitioner, compulsory retirement could not have been ordered against him under these rules .

4. In this background, we find that the petitioner is in fact benefited by the impugned order.

5. Therefore, the petition does not call for interference. It is, therefore, dismissed.

JUDGE

JUDGE.

Pdl.